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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,922	03/08/2005	Keith Baker	NL 020891	7554
24737 7590 02/22/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER LEWIS, JONATHAN V	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/526,922

**Applicant(s)**

BAKER, KEITH

**Examiner**

Jonathan Lewis

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 8 is objected to because of the following informalities: the preamble states "An apparatus adapted to store at least a part of a stream of audiovisual data in a memory, the apparatus being further adapted to"; however, there are no structural elements claimed. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. (US PG Pub. No. 2002/0040475) in view of Ebisawa (US Pat. No. 6,144,400).

Regarding claim 1, Yap et al. teaches a method of storing a stream of audiovisual data in a memory (page 4, 0039), the method comprising the steps of: a) determining the content of the stream of audiovisual data (page 2, 0024); and b) determining whether the content of the stream of audiovisual data matches at least one predetermined criterion (page 2, 0025 discloses the use of an EPG to match a predetermined criterion: actor, director, theme, keywords, channel information); characterized in that, if the content of the stream of audiovisual data matches the predetermined criterion, the method further

comprises the steps of: c) separating the audio data and video data in the stream of audiovisual data (page 11, 0171); d) storing at least a substantial part of the audio data of the stream of audiovisual data (page 11, 0171).

Yap et al. teaches all of the claim limitations as stated above, except storing at most a part of the video signal.

However, Ebisawa teaches storing at most a part of the video signal (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to store only a part of the video signal, in order to instantaneously provide video data in response to a user request.

Regarding claim 2, Yap et al. in view of Ebisawa teaches all the claim limitations as stated above, except the method further comprises the step of storing a part of the video data of the stream of audiovisual data, in which the stored part is substantially smaller than the complete video component of the stream of audiovisual data.

However, Ebisawa teaches the method further comprises the step of storing a part of the video data of the stream of audiovisual data, in which the stored part is substantially smaller than the complete video component of the stream of audiovisual data (col. 1, lines 55-60 discloses only the first part of the video component of the stream is stored, which is substantially smaller than the complete video).

Regarding claim 3, Yap et al. in view of Ebisawa teaches all the claim limitations as stated above, except the video component of the stream of

audiovisual data is built up of frames, characterized in that the step of storing a part of the video data comprises the step of periodically storing a frame.

However, Yap et al. teaches the video component of the stream of audiovisual data is built up of frames, characterized in that the step of storing a part of the video data comprises the step of periodically storing a frame (page 3, 0036 discloses the periodic download of the EPG; in order to download to the DVR the data must be stored, and all electronic program guides contain a frame).

Regarding claim 4, Yap et al. in view of Ebisawa teaches all the claim limitations as stated above, except the video component of the stream of audiovisual data is built up of frames, characterized in that the step of storing a part of the video data comprises the step of storing the first frame of the stream of audiovisual data.

However, Yap et al. teaches the video component of the stream of audiovisual data is built up of frames, characterized in that the step of storing a part of the video data comprises the step of storing the first frame of the stream of audiovisual data (page 3, 0036 discloses the periodic download of the EPG; in order to download to the DVR the data must be stored, and all electronic program guides contain a frame, the first frame of an EPG is stored in order for the consumer to manipulate the data in this case).

Regarding claim 7, Yap et al. in view of Ebisawa teaches all the claim limitations as stated above, except the stream of audiovisual information is a TV program and the criterion is the genre of the TV program.

However, Yap et al. teaches the stream of audiovisual information is a TV program and the criterion is the genre of the TV program (page 6, 102 discloses the use of an EPG to perform this functionality).

Regarding claim 9, Yap et al. in view of Ebisawa teaches all the claim limitations as stated above, except the apparatus is a digital television and the memory is a working memory.

However, Yap et al. teaches the apparatus is a digital television and the memory is a working memory (page 6, 0095).

Apparatus and record carrier claims 8 and 10 respectively are rejected for the same reasons as discussed above.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. (US PG Pub. No. 2002/0040475) in view of Ebisawa (US Pat. No. 6,144,400) in further view of Broussard (US Pat. No. 6,269,483) in further view of Snow et al. (US PG Pub. No. 2003/0091338).

Regarding claim 5, Yap et al. in view of Ebisawa teaches all the claim limitations as stated above, except the video component of the stream of audiovisual data is built up of frames, characterized in that the step of storing a part of the video data comprises the sub-steps of: a) determining a characteristic feature of a first part of the stream of audiovisual data; b) determining a characteristic feature of a second part of the stream of audiovisual data; c) determining the difference between the characteristic feature of the first part and the characteristic feature of the second part.

However, Broussard teaches the video component of the stream of audiovisual data is built up of frames (col. 7, lines 6-9 disclose the video component is made up of frames), characterized in that the step of storing a part of the video data comprises the sub-steps of: a) determining a characteristic feature of a first part of the stream of audiovisual data (col. 6, lines 9-20 disclose the determining of two levels, first a sampled level); b) determining a characteristic feature of a second part of the stream of audiovisual data (col. 6, lines 9-20 disclose the determining of two levels, first a sampled level, and then an average level is determined over a sampled period of time); c) determining the difference between the characteristic feature of the first part and the characteristic feature of the second part (col. 6, lines 21-61 disclose the determination of the difference of the sampled level and the new level, which is time averaged, which allows the selection of the appropriate sound level).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to determine the difference between a first and second part of the stream of audiovisual data, in order to automatically control the transmission of audiovisual data, more specifically reducing the transmission of high bandwidth data when a participant in a video conference is no longer speaking.

Yap et al. in view of Ebisawa in further view of Broussard teaches all of the claim limitations as stated above, except if the difference is larger than a predetermined minimum, storing a frame of the first part of the stream of audiovisual data.

However, Snow et al. teaches if the difference is larger than a predetermined minimum, storing a frame of the first part of the stream of audiovisual data (page 2, 0023 discloses the analyzing of the recording in order to determined whether or not the difference is larger than the predetermined minimum; Fig. 5, 530 shows the step of storing the part of the stream based on analyzed audio data to the index data file 535).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to store a frame based on a predetermined minimum, in order to more efficiently record a stream of audiovisual data by extracting only the necessary audio information and recoding it with the proper video frame.

Regarding claim 6, Yap et al. in view of Ebisawa in further view of Broussard in further view of Snow et al. teaches all the claim limitations as stated above, except that the characteristic feature is the sound level of the stream of audiovisual data.

However, Broussard teaches that the characteristic feature is the sound level of the stream of audiovisual data (Fig. 5, 108).

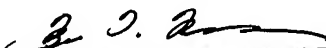
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Lewis whose telephone number is (571) 270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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